

# KOBRE & KIM LLP

800 THIRD AVENUE

NEW YORK, NEW YORK 10022

TEL 212.488.1200

FAX 212.488.1220

WWW.KOBREKIM.COM

August 18, 2005

## BY FAX

Hon. Laura Taylor Swain  
United States District Judge  
United States Courthouse  
40 Centre Street, Room 1205  
New York, New York 10007-1581

## **MEMO ENDORSED**

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

**Re: Securities and Exchange Commission v. Amerindo Investment Advisors, Inc., et. al. (05 Cr. 05231)**

Dear Judge Swain:

(Civ.)

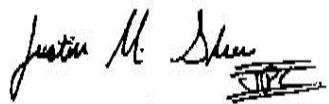
I am writing on behalf of Defendant Gary Tanaka to respectfully request that the time by which Defendant Tanaka must respond to the Complaint be extended until September 19, 2005. Plaintiff, the Securities and Exchange Commission, consents to this request.

Jeffrey Hoffman, counsel to Defendant Alberto Vilar, has informed me that Mr. Vilar joins in the request for a 30-day extension.

Defendants Tanaka and Vilar were originally required to respond to the Complaint by July 11, 2005. Upon stipulations by all parties, the Court extended the time for all Defendants to respond to the Complaint until August 19, 2005. There have been no other requests for extensions.

The initial conference in this matter is currently scheduled for September 16, 2005 at 2:30 p.m. I respectfully request that the initial conference be rescheduled for October 7, 2005 at 3:00 p.m.

Respectfully submitted,



Justin M. Sher  
212.488.1234

cc: Mark D. Salzberg, Esq.  
Eugene R. Licker, Esq.  
Jeffrey Hoffman, Esq.

So Ordered:



8/22/2005  
Hon. Laura Taylor Swain  
U.S. District Judge

**CERTIFICATE OF SERVICE**

I, Josiah Porter Blanchard Child, hereby certify that on August 29, 2005 I caused to be served by fax the accompanying Memo Endorsement, addressed as follows:

Mark D. Salzberg, Esq.  
U.S. Securities and Exchange Commission  
3 World Financial Center  
New York, New York 10281  
Fax: (212) 336-1322

Eugene R. Licker, Esq.  
Loeb & Loeb LLP  
345 Park Avenue  
New York, New York 10154  
Fax: (212) 407-4990

Robert R. Leinwand, Esq.  
Robinson Brog Leinwand Greene Genovese & Gluck PC  
1345 Avenue of the Americas  
New York, New York 10105  
Fax: (212) 956-2164

Robert Knuts, Esq.  
Day, Berry & Howard LLP  
875 Third Avenue  
New York, New York 10022  
Fax: (212) 829-3601

  
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Josiah P. B. Child  
Analyst  
Kobre & Kim LLP  
800 Third Avenue  
New York, New York 10022  
212.488.1252